



**PATENT**

Case Docket No. MASIMO.236C1  
Date: October 6, 2004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Mohamed K. Diab  
App. No. : 10/695,405  
Filed : October 28, 2003  
For : OPTICAL SPECTROSCOPY  
PATHLENGTH  
MEASUREMENT SYSTEM  
Group Art Unit : 3736

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and are addressed to: Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, on

October 6, 2004

(Date)

John D. Glover, Reg. No. 42,610

**TRANSMITTAL LETTER**

**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

**ATTENTION: MAIL STOP MISSING PARTS**

Dear Sir:

In response to the Notice to File Missing Parts of Application Under 37 CFR 1.53(f), which was mailed by the Office on August 11, 2004, enclosed are:

- (X) a copy of the Declaration by Inventor in 1 page from the Parent Application;
- (X) a copy of the Recorded Assignment in 3 pages from the Parent Application;
- (X) a copy of the Power of Attorney Form and copy of Assignment in 3 pages from the Parent Application
- (X) a copy Notice to File Missing Parts;
- (X) a check in the amount of \$920 to cover the below fees; and
- (X) a return prepaid postcard.

**PATENT**

Case Docket No. MASIMO.236C1

Date: October 6, 2004

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Fees as calculated below:

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FILING FEE	\$ 790
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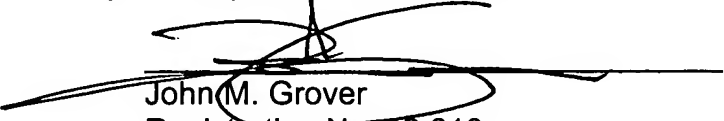
SURCHARGE 37 CFR 1.16(e)	\$ +130
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TOTAL FEES SUBMITTED HEREWITH	\$ 920
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The Commissioner is hereby authorized to charge any additional fees which may be required, now or in the future, or credit any overpayment, to Account No. 11-1410.



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John M. Grover  
Registration No. 42,610  
Attorney of Record  
Customer No. 20,995  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
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 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/695,405	10/28/2003	Mohamed K. Diab	MASIMO.236C1

20995  
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 2040 MAIN STREET  
 FOURTEENTH FLOOR  
 IRVINE, CA 92614



CONFIRMATION NO. 5638

## FORMALITIES LETTER



\*OC000000013508134\*

Date Mailed: 08/11/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$900** for a Large Entity

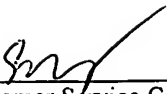
- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

10/08/2004 BABRAHA1 00000090 10695405

01 FC:1001	790.00 OP
02 FC:1051	130.00 OP

*A copy of this notice **MUST** be returned with the reply.*



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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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**ATTENTION: MAIL STOP MISSING PARTS**

## CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Attorney Docket No.: MASIMO.236C1  
Applicant : Mohamed K. Diab  
For : OPTICAL SPECTROSCOPY  
PATHLENGTH MEASUREMENT SYSTEM  
Attorney : John M. Grover  
"Express Mail"  
Mailing Label No. : EV 309176609 US  
Date of Deposit : October 6, 2004

I hereby certify that the accompanying

Transmittal Letter; a copy of the Declaration by Inventor in 1 page from the Parent Application; a copy of the Recorded Assignment in 3 pages from the Parent Application; a copy of the Power of Attorney Form and copy of Assignment in 3 pages from the Parent Application; a copy of the Notice to File Missing Parts; Check for Filing Fee; Return Prepaid Postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and are addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

A handwritten signature in cursive script, appearing to read "Nelson Merida", written over a horizontal line.

Nelson Merida

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619-235-8550

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